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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,667	11/20/2001	Uwe Hildebrand	030650-077	9035

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ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR C11
PLANO, TX 75024

EXAMINER	
PHAM, TUAN	

ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/988,667	HILDEBRAND ET AL.	
	Examiner	Art Unit	
	TUAN A. PHAM	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 6-1-2005.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-27 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-27 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Applicant's remark, filed on 06/01/2005, with respect to the rejection(s)of claim(s) 1-27 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Mu et al. (U.S. patent No.: 6,424,216).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. **Claims 1, and 13-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mu et al. (U.S. patent No.: 6,424,216, hereinafter, "Mu") in view of Harris et al. (U.S. Patent No.: 6,507,243, hereinafter, "Harris").**

Regarding claims 1, 18, 20, 23, and 26-27, Mu teaches a method, computer, base station and device for compensating a data-dependency of a power measurement comprising (see figure 1):

linearly modulating and amplifying an input signal to provide an output signal (see figure 1, modulator 16, driver DR, col.3, ln.65-67, col.4, ln.1-10);

determining a first average power based on data comprised within the output signal and transmitted during the first measurement (see figure 1, detector 62, col.4, ln.58-67);

determining a second average power based on data comprised within the output signal and transmitted during the second measurement (see figure 1, detector 64, col.5, ln.1-12);

determining a power difference between the first average power and the second average power (see col.2, ln.39-47, col.10, ln.9-14, controller M.C. is calculated the difference average power and compensate the forward and reflect power); and

compensating at least one of the first measurement and the second measurement based on the power difference (see col.2, ln.39-47, col.10, ln.9-14).

It should be noticed that Mu fails to teach performing a first measurement of a transmitted output power of the output signal with a measurement unit; performing a second measurement of a reflected power of the output signal, wherein the second

measurement is performed time multiplexed from the first measurement by the same measurement unit which performed the first measurement. However, Harris teaches such feature (see col.14, ln.15-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Harris into view of Mu, in order to prevent the over load power to damage the system.

Regarding claim 13, Harris further teaches the method and device wherein the first measurement and the second measurement are performed before an output port (see figure 40, col.42, ln.1-14).

Regarding claim 14, Harris further teaches the method and device wherein the output port is an output port of a combining and distribution unit or an output port-of a transceiver unit (see figure 40, radial combiner 400, col.42, ln.1-14).

Regarding claim 15, Harris further teaches the method and device further comprising calculating a matching at the output port based on at least one of the compensated first and second measurements (see col.17, ln.29-40).

Regarding claim 16, Mu further teaches the method and device wherein the first measurement and the second measurement are performed within a transceiver unit (see figure 1).

Regarding claim 17, Harris further teaches the method and device wherein the first measurement and the second measurement are performed between a mixer and an amplifier of the transceiver unit (see figure 40, radial combiner 400, redundant system controller 200, power amplifier 300, col.42, ln.1-14).

Regarding claim 19, Harris further teaches the method and device stored on a memory (see col.14, ln.28-35).

Regarding claims 21 and 24, Harris further teaches the method and device further comprising a database for storing timing events relating to the first measurement and the second measurement (see col.17, ln.6-25).

Regarding claims 22 and 25, Harris further teaches the method and device further comprising a second calculating unit for calculating a voltage standing wave ratio (see col.17, ln.6-25).

4. Claims 2-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mu et al. (U.S. patent No.: 6,424,216, hereinafter, "Mu") in view of Harris et al. (U.S. Patent No.: 6,507,243, hereinafter, "Harris") as applied to claim 1 above, and further in view of Haataja et al. (Pub. No.: US 2002/0149518).

Regarding claims 2-4, Mu and Harris, in combination, fails to teaches the measurements are performed in bursts. However, Haataja teaches such features (see figure 2, col.3, [0024], in order to transmit the forward signals in GSM system, measuring the bursts is included).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Haataja to Mu and Harris, in order to prevent the over load power to damage the system.

Regarding claims 5-6, and 12, Haataja further teaches the measurements are performed in data (see figure 2, col.3, [0024]).

Regarding claims 7-8, Haataja further teaches the measurements are performed in training sequences (see figure 2, col.3, [0024]).

Regarding claim 9, Harris further teaches the method and device stored on a memory (see col.14, ln.28-35).

Regarding claims 10-11, Haataja further teaches the measurements are performed in tails bit sequences (see figure 2, col.3, [0024]).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In order to expedite the prosecution of this application, the applicants are also requested to consider the following references. Although Komatsu et al. (U.S. Patent No. 5,822,725), and Victorin (U.S. Patent No. 5,548,820) are not applied into this Office Action; they are also called to Applicants attention. They may be used in future Office Action(s).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan A. Pham** whose telephone number is (571) 272-8097. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz can be reached on (571) 272-7499 and

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit 2643
July 21, 2005
Examiner

Tuan Pham

CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600